

1 ROB BONTA
2 Attorney General of California
3 NICKLAS A. AKERS (SBN 211222)
Senior Assistant Attorney General
3 BERNARD A. ESKANDARI (SBN 244395)
Supervising Deputy Attorney General
4 JOSHUA OLSZEWSKI-JUBELIRER (SBN 336428)
MEGAN O'NEILL (SBN 343535)
5 MARISSA ROY (SBN 318773)
Deputy Attorneys General
6 455 Golden State Ave., Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 510-4400
Fax: (415) 703-5480
8 E-mail: Marissa.Roy@doj.ca.gov
Attorneys for The People of the State of California

9
10 *Additional parties and counsel listed on signature
pages*

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

15	MDL No. 3047
16	IN RE: SOCIAL MEDIA ADOLESCENT 17 ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION
18	THIS DOCUMENT RELATES TO: 19 Case No. 4:23-cv-05448-YGR
20	STATES' RESPONSE TO PRO SE MOTION TO INTERVENE Judge: Hon. Yvonne Gonzalez Rogers Action Filed: 10/24/2023

INTRODUCTION

Texas resident Conghua Yan’s pro se motion to intervene constitutes an improper attempt to insert private claims for individual relief into a public enforcement action brought by 33 state attorneys general (the States).¹ The States have exercised their sovereign authority to bring this multistate, civil enforcement action against Meta. This enforcement action includes claims entirely distinct from those available to private plaintiffs: the States seek to vindicate public rights, which the States are uniquely tasked to protect, and to obtain relief for the public rather than private individuals. While private claims may proceed in parallel to this public law enforcement action in separate suits—and, indeed, scores of private suits are proceeding in multidistrict litigation currently before this Court—a motion to intervene should not conflate a public enforcement action with a private claim.

The Federal Rules of Civil Procedure and this Circuit’s precedents do not allow Yan to intervene in the States’ public enforcement action. The States’ enforcement action involves interests separate from—and not derivative of—the interests of any private individual, including Yan. The States’ pursuit of this separate public enforcement action does not impact Yan’s ability to seek relief for individualized harms. And Yan’s claims do not share common questions of law or fact with the States’ claims, particularly because Yan’s claims are predicated on alleged violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act, which none of the States invoke. Thus, not only is there no basis to grant Yan’s motion to intervene, but allowing intervention by a private claimant would fundamentally disrupt the States’ authority to vindicate public rights.

24 ¹ The States include State of Arizona, the People of the State of California, State of
25 Colorado, State of Connecticut, State of Delaware, State of Georgia, State of Hawai‘i, State of
26 Idaho, the People of the State of Illinois, State of Indiana, State of Kansas, Commonwealth of
27 Kentucky, State of Louisiana, State of Maine, Office of the Attorney General of Maryland, State
28 of Michigan, State of Minnesota, State of Missouri, State of Nebraska, State New Jersey and New
Jersey Division of Consumer Affairs, the People of the State of New York, State of North
Carolina, State of North Dakota, State of Ohio, State of Oregon, Commonwealth of Pennsylvania,
State of Rhode Island, State of South Carolina, State of South Dakota, Commonwealth of
Virginia, State of Washington, State of West Virginia, and State of Wisconsin.

ARGUMENT

I. YAN HAS NO MANDATORY RIGHT TO INTERVENE IN THE STATES' PUBLIC ENFORCEMENT ACTION.

Yan cannot establish a mandatory right to intervention under the Federal Rules of Civil Procedure. Rule 24(a) provides a right to intervene to anyone who is “given an unconditional right to intervene by federal statute” or, alternatively, anyone who has (1) “an interest relating to the property or transaction that is the subject of the action” that (2) would be “impair[ed] or impede[d]” if the person was not permitted to intervene and (3) could not be “adequately represent[ed]” by the parties. Fed. R. Civ. P. 24(a)(1)-(2). Yan does not provide any legal authority that provides an unconditional right to intervene in the States’ law enforcement action, and Yan has not demonstrated any of the three factors that would alternatively give rise to such a right.

A. Yan Has No Significantly Protectable Interest that Gives Rise to a Right of Intervention Under Rule 24(a).

Yan has failed to state an interest in the States' enforcement action that is sufficient to give rise to a right of intervention. To justify mandatory intervention, a proposed intervenor must demonstrate a "significantly protectable interest" in the property or transaction that is the subject of the underlying action. *Donaldson v. United States*, 400 U.S. 517, 531 (1971). "[A]t an irreducible minimum Rule 24(a)(2) requires that the asserted interest be 'protectable under some law' and that there exist 'a relationship between the legally protected interest and the claims at issue[.]'" *Cal. Dep't of Toxic Substances Control v. Jim Dobbias, Inc.*, 54 F.4th 1078, 1088 (9th Cir. 2022) (citation omitted). A relationship exists "only if the resolution of the plaintiff's claims actually will affect the [proposed intervenor]." *Donnelly v. Glickman*, 159 F.3d 405, 410 (9th Cir. 1998) (citations omitted). Accordingly, where the resolution of an action would affect the proposed intervenor's interest in real property, *see e.g., Arakaki v. Cayetano*, 324 F.3d 1078 (9th Cir. 2003), or impose direct economic consequences on the proposed intervenor, *see, e.g., United State v. Aerojet General Corp.*, 606 F.3d 1142 (9th Cir. 2010), the interest is significantly protectable.

1 By contrast, a more generalized interest in the underlying action or an interest that is
 2 several degrees removed from the disposition of the underlying action cannot sustain a right of
 3 intervention. *See, e.g., United States v. Alisal Water Corp.*, 370 F.3d 915, 919-20 (9th Cir. 2004)
 4 (denying a creditor's motion to intervene in an environmental enforcement action that might
 5 impair the creditor's ability to collect a debt because “[t]his interest is several degrees removed
 6 from the overriding public . . . policies that are the backbone of this litigation”); *Westlands Water*
 7 *Dist. v. United States*, 700 F.2d 561, 563 (9th Cir. 1983) (denying a nonprofit's motion to
 8 intervene in a contract dispute between a water district and the federal government because the
 9 nonprofit's interest was not based on the underlying contracts but rather “enlightened public
 10 policy”). Particularly in public enforcement actions, a substantial portion of the population may
 11 have a generalized interest in the litigation and its outcome, but that generalized interest does not
 12 give rise to a right of intervention. *See, e.g., People v. Tahoe Reg'l Planning Agency*, 792 F.2d
 13 779, 780-82 (9th Cir. 1986).

14 Here, the States have brought a public enforcement action entirely distinct from any
 15 protectable interest Yan may have. A civil action brought by governmental entities for unfair or
 16 deceptive acts or practices is “a law enforcement action designed to protect the public and not to
 17 benefit private parties.” *City & Cnty. of San Francisco v. PG & E Corp.*, 433 F.3d 1115, 1125-26
 18 (9th Cir. 2006) (quoting *People v. Pac. Land Rsch. Co.*, 569 P.2d 125, 129 (Cal. 1977)); *see also*,
 19 *e.g., Rhino Linings USA, Inc. v. Rocky Mountain Rhino Lining, Inc.*, 62 P.3d 142, 149 (Colo.
 20 2003) (holding that if a wrong is private in nature and does not affect the public, the claim is not
 21 actionable under the Colorado Consumer Protection Act); *Quattrocchi v. Georgia*, 850 S.E.2d
 22 432, 436 (Ga. App. 2020) (holding that under the Georgia Fair Business Practices Act, although
 23 the State may seek restitution, an action by the State does not seek damages to remedy private
 24 wrongs).

25 The States' action is “fundamentally different from a class action or other representative
 26 litigation.” *Payne v. Nat'l Collection Sys., Inc.*, 91 Cal. App. 4th 1037, 1045 (2001); *see also*, *e.g.*,
 27 *Tiismann v. Linda Martin Homes Corp.*, 637 S.E.2d 14, 17 (Ga. 2006) (distinguishing the
 28 elements of a private consumer protection action from those applicable to a State action). The

1 States' interests and right to pursue this action "is separate from, and not derivative of" that of
 2 private plaintiffs. *City & Cnty. of San Francisco*, 433 F.3d at 1127; *see also, e.g., State ex rel.*
 3 *Edmisten v. Challenge, Inc.*, 284 S.E.2d 333, 339 (N.C. Ct. App. 1981) (noting that public
 4 enforcement of the North Carolina Unfair or Deceptive Trade Practices Act is intended to
 5 advance the public interest "rather than to redress individual grievances"); *Lightfoot v.*
 6 *MacDonald*, 544 P.2d 88, 90 (Wash. 1976) (recognizing the Attorney General's ability to bring a
 7 consumer protection action for the benefit of the public and noting, "[t]he Attorney General's
 8 responsibility in bringing cases of this kind is to protect the public from the kinds of business
 9 practices which are prohibited by the statute; it is not to seek redress for private individuals"
 10 (quoting *Seaboard Sur. Co. v. Ralph Williams' Nw. Chrysler Plymouth, Inc.*, 504 P.2d 1139, 1143
 11 (Wash. 1973))).

12 Yan's individual interests bear no relationship to the public interests represented by the
 13 States. The States' public enforcement action does not involve real property that Yan has a claim
 14 to, contracts Yan is party to, or Yan's economic interests. Nor does the disposition of this
 15 litigation affect Yan's ability to vindicate private claims to redress the harm Yan personally
 16 suffered on Meta's Platforms.

17 At most, Yan has expressed a generalized interest in halting Meta's misconduct—an
 18 interest many members of the public share. Such generalized interest in the States' public
 19 enforcement action is insufficient to support mandatory intervention. *See, e.g., Tahoe Reg'l*
Planning Agency, 792 F.2d at 780-82 (denying property owners' motion to intervene in an
 21 enforcement action by the state of California challenging a regional environmental plan because
 22 the plan's effects on proposed intervenors' property were "incidental" and their interest was the
 23 generalized interest shared by many members of the public). For this reason alone, Yan's motion
 24 for mandatory intervention must be denied.

25 **B. The States' Public Enforcement Action Does Not Impact Yan's Claims
 26 Because Yan Can File a Separate Action Like the Other Private Plaintiffs.**

27 The States' public enforcement action has no impact on Yan's interests. Individual interests
 28 are not impeded or impaired by a pending action when they can be "raise[d] . . . through a

1 separate lawsuit[.]” *Warren v. Comm’r of Internal Revenue*, 302 F.3d 1012, 1015 (9th Cir. 2002).
 2 Particularly with regard to public enforcement actions, courts have held that an individual’s
 3 interests are not impaired or impeded where the proposed intervenor can pursue a claim
 4 independently from the government. *See, e.g., Equal Emp’t Opportunity Comm’n v. E. Airlines,*
 5 *Inc.*, 736 F.3d 635, 638-39 (11th Cir. 1984) (denying a motion to intervene for one of the nineteen
 6 individuals whose age discrimination claims served as the basis for a public enforcement action
 7 brought by the Equal Employment Opportunity Commission because that individual could seek
 8 personal relief in a separate lawsuit). Even if the disposition of a pending action will create
 9 relevant precedent, that precedent must have a direct and practical effect on the proposed
 10 intervenor to justify mandatory intervention. *See Greene v. United States*, 996 F.3d 973, 977-78
 11 (9th Cir. 1993).

12 Here, the States’ public enforcement action is separate and distinct from a private action. As
 13 a public enforcement action, the States’ case “lacks the fundamental attributes of a consumer
 14 class action filed by a private party.” *Pac. Land Rsch. Co.*, 569 P.2d at 129; *see also, e.g., Hall v.*
 15 *Walter*, 969 P.2d 224, 234-35 (Colo. 1998) (holding that private causes of action under the
 16 Colorado Consumer Protection Act are distinct from public enforcement); *Tiismann*, 637 S.E.2d
 17 at 17 (distinguishing between the elements of private and public actions under the Georgia Fair
 18 Business Practices Act). Accordingly, “traditional res judicata principles have no application to a
 19 judgment resulting from [public enforcement action for unfair or deceptive acts or practices] filed
 20 by the Attorney General or another public prosecutor in a subsequent lawsuit brought by a victim
 21 of improper business practices.” *Payne*, 91 Cal. App. 4th at 1047 (citation omitted).

22 Yan can thus vindicate any individual interests by initiating a separate action in state court
 23 or by filing into the multi-district litigation alongside over 100 other actions, the majority of
 24 which were filed by private parties. Under either option, there will be no res judicata impact from
 25 the States’ enforcement action. Furthermore, any precedent created by the States’ claims would
 26 not affect Yan’s case because the underlying factual and legal basis for Yan’s claims are also
 27 distinct from the States’: Yan seeks to claim a violation of the RICO Act stemming from obscene
 28 third-party advertising on Meta’s platforms. Mot. at 1, 4. The States bring enforcement claims

1 under the Children’s Online Privacy Protection Act of 1998 (COPPA)² and state consumer
 2 protection statutes that stem from Meta’s unfair and deceptive business practices, unrelated to the
 3 content of third-party advertisements.

4 Since Yan’s individual interests can be fully vindicated apart and with no practical impact
 5 from the States’ enforcement action, there is no impairment that justifies mandatory intervention.

6 **C. The States Best Represent Public Interests.**

7 To the extent Yan has a generalized interest in the public rights that the States seek to
 8 vindicate, the States are best situated to represent that interest. When the government is
 9 representing the public, there is an “assumption of adequacy.” *Arakaki*, 324 F.3d at 1086. Thus,
 10 the proposed intervenor must make a “very compelling showing” that the government cannot
 11 adequately represent public rights. *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*,
 12 960 F.3d 603, 620 (9th Cir. 2020). Yan makes no showing, nor could Yan. There is no question
 13 that the States are best situated to seek redress for Meta’s deceptive and unlawful conduct on
 14 behalf of the public. In sum, there is no basis for mandatory intervention.

15 **II. YAN HAS NO BASIS TO PERMISSIVELY INTERVENE IN THE STATES’ PUBLIC
 16 ENFORCEMENT ACTION.**

17 In the absence of grounds for intervention by right, Rule 24(b) allows the court discretion to
 18 permit intervention to anyone who “is given a conditional right to intervene by a federal statute”
 19 or who “has a claim or defense that shares with the main action a common question of law or
 20 fact.” Fed. R. Civ. P. 24(b)(1)(A)-(B). Yan can make neither showing.

21 As an initial matter, Yan does not identify a federal statute that provides a conditional
 22 right to intervene, and the States are unaware of one. Moreover, as discussed, Yan’s motion
 23 appears to raise questions of law and fact that are fundamentally different from those raised by
 24 the States.³ Yan seeks to insert a RICO claim into this public law enforcement action—a legal

25 ² Because “COPPA does not authorize a private right of action,” *Jones v. Google LLC*, 73
 26 F.4th 636, 641 (9th Cir. 2023), Yan could not even bring a standalone COPPA claim.

27 ³ Yan’s motion does not comply with Rule 24(c) because it is not “accompanied by a
 28 pleading that sets out the claim . . . for which intervention is sought.” Nor does it adopt a pleading
 by reference, which may cure this deficiency. Regardless, Yan’s motion fails despite any “purely

1 theory advanced by none of the States. And Yan's proposed legal theory factually appears to
 2 derive exclusively from the content published on Meta's platforms (the alleged obscene materials
 3 "in the form of sponsored advertisements"). Mot. at 1. Whereas, in summary, the States allege
 4 misconduct stemming from Meta's (1) collection of data from users under thirteen years old
 5 without required parental notification and consent; (2) misrepresentations surrounding the safety
 6 of its social media platforms; and (3) the deceptive and unfair constellation of features that
 7 prolong engagement and lead to youth addiction.

8 It would be infeasible to litigate such distinct factual issues and private legal theories in the
 9 same public enforcement action brought by the States. And it is unnecessary to try to do so,
 10 especially when Yan has other means to pursue private litigation in either state court or alongside
 11 numerous other private claimants in the multi-district litigation. Furthermore, allowing a private
 12 claimant to intervene and exercise any influence or control over a public enforcement action
 13 would impede the States' ability and sovereign authority to vindicate the public interest. These
 14 significant differences underscore why permissive intervention should also be denied.

15 CONCLUSION

16 For these reasons, the States respectfully request that the Court deny Conghua Yan's
 17 motion to intervene in this public enforcement action.

18
 19 Dated: November 15, 2023

Respectfully submitted,

20
 21 /s/ Marissa Roy

22 Deputy Attorney General
 23 California Department of Justice
 24 Office of the Attorney General

25 *Attorney for Plaintiff the People of the State
 26 of California*

27
 28 technical" defect. *Westchester Fire Ins. Co. v. Mendez*, 585 F.3d 1183, 1188 (9th Cir. 2009)
 (citation omitted).

1 **KRIS MAYES**
2 Attorney General
3 State of Arizona

4 /s/ Vince Rabago
5 Vince Rabago (AZ No. 015522 CA No.
6 167033), *pro hac vice*
7 Chief Counsel - Consumer Protection and
8 Advocacy Section
9 Nathan Whelihan (AZ No. 037560),
10 *pro hac vice app. forthcoming, if required*
11 Assistant Attorney General
12 Arizona Attorney General's Office
13 2005 North Central Avenue
14 Phoenix, AZ 85004
15 Phone: (602) 542-3725
16 Fax: (602) 542-4377
17 Vince.Rabago@azag.gov
18 Nathan.Whelihan@azag.gov

19 *Attorneys for Plaintiff State of Arizona*

20 **PHILIP J. WEISER**
21 Attorney General
22 State of Colorado

23 /s/ Bianca E. Miyata
24 Bianca E. Miyata (CO Reg. No. 42012),
25 *pro hac vice*
26 Senior Assistant Attorney General
27 Lauren M. Dickey (CO Reg. No. 45773)
28 First Assistant Attorney General
1 Megan Paris Rundlet (CO Reg. No. 27474)
2 Senior Assistant Solicitor General
3 Elizabeth Orem (CO Reg. No. 58309)
4 Assistant Attorney General
5 Colorado Department of Law
6 Ralph L. Carr Judicial Center
7 Consumer Protection Section
8 1300 Broadway, 7th Floor
9 Denver, CO 80203
10 Phone: (720) 508-6651
11 bianca.miyata@coag.gov

12 *Attorneys for Plaintiff State of Colorado, ex*
13 *rel. Philip J. Weiser, Attorney General*

1 **KATHLEEN JENNINGS**
2 Attorney General
3 State of Delaware

4 /s/ Dashiell Raj Radost
5 Owen Lefkon
6 Director of Fraud and Consumer Protection
7 Marion Quirk, *pro hac vice*
8 Director of Consumer Protection
9 Dashiell Radost (DE Bar 7100),
10 *pro hac vice*
11 Deputy Attorney General,
12 Delaware Department of Justice
13 820 N. French Street, 5th Floor
14 Wilmington, DE 19801
15 Phone: (302) 683-8800
16 Dashiell.Radost@delaware.gov

17 *Attorneys for Plaintiff State of Delaware*

18 **CHRISTOPHER M. CARR**
19 Attorney General
20 State of Georgia

21 /s/ Melissa M. Devine
22 Melissa M. Devine (GA Bar No. 403670),
23 *pro hac vice*
24 Assistant Attorney General
25 Office of the Attorney General of the State
26 of Georgia
27 2 Martin Luther King Jr. Drive, SE, Ste. 356
28 Atlanta, GA 30334
1 Phone: (404) 458-3765
2 Fax: (404) 651-9108
3 mdevine@law.ga.gov

4 *Attorneys for Plaintiff State of Georgia*

1
2 **ANNE E. LOPEZ**
3 Attorney General
State of Hawai‘i

4 /s/ Christopher T. Han
5 Bryan C. Yee (HI JD No. 4050),
6 *pro hac vice*
7 Supervising Deputy Attorney General
Christopher T. Han (HI JD No. 11311),
pro hac vice
8 Deputy Attorney General
Department of the Attorney General
Commerce and Economic Development
Division
9 425 Queen Street
Honolulu, Hawai‘i 96813
10 Phone: (808) 586-1180
11 Bryan.c.yee@hawaii.gov
12 Christopher.t.han@hawaii.gov

13 *Attorneys for Plaintiff State of Hawai‘i*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

KWAME RAOUL
Attorney General
State of Illinois

By: /s/ Hanan Malik
Susan Ellis, Chief, Consumer Protection
Division (IL Bar No. 6256460)
Greg Grzeskiewicz, Chief, Consumer Fraud
Bureau (IL Bar No. 6272322)
Jacob Gilbert, Deputy Chief, Consumer
Fraud Bureau (IL Bar No. 6306019)
Daniel Edelstein, Supervising Attorney,
Consumer Fraud Bureau (IL Bar No.
6328692), *pro hac vice*
Adam Sokol, Senior Assistant Attorney
General, Consumer Fraud Bureau (IL Bar
No. 6216883)
Hanan Malik, Assistant Attorney General,
Consumer Fraud Bureau (IL Bar No.
6316543), *pro hac vice*
Emily María Migliore, Assistant Attorney
General, Consumer Fraud Bureau (IL Bar
No. 6336392)
Kevin Whelan, Assistant Attorney General,
Consumer Fraud Bureau (IL Bar No.
6321715), *pro hac vice*
Office of the Illinois Attorney General
100 W. Randolph Street
Chicago, Illinois 60601
312-814-2218
Susan.Ellis@ilag.gov
Greg.Grzeskiewicz@ilag.gov
Jacob.Gilbert@ilag.gov
Daniel.Edelstein@ilag.gov
Adam.Sokol@ilag.gov
Hanan.Malik@ilag.gov
Emily.Migliore@ilag.gov
Kevin.Whealan@ilag.gov

*Attorneys for Plaintiff the People of the State
of Illinois*

1 **THEODORE E. ROKITA**
2 Attorney General
3 State of Indiana

4 /s/ Scott L. Barnhart
5 Scott L. Barnhart (IN Atty No. 25474-82),
6 *pro hac vice*
7 Chief Counsel and Director of Consumer
8 Protection
9 Corinne Gilchrist (IN Atty No. 27115-53),
10 *pro hac vice*
11 Section Chief, Consumer Litigation
12 Mark M. Snodgrass (IN Atty No. 29495-49),
13 *pro hac vice*
14 Deputy Attorney General
15 Office of the Indiana Attorney General
16 Indiana Government Center South
17 302 West Washington St., 5th Floor
18 Indianapolis, IN 46203
19 Telephone: (317) 232-6309
20 Scott.Barnhart@atg.in.gov
21 Corinne.Gilchrist@atg.in.gov
22 Mark.Snodgrass@atg.in.gov

23 *Attorneys for Plaintiff State of Indiana*

24 **DANIEL J. CAMERON**
25 Attorney General
26 Commonwealth of Kentucky

27 /s/ J. Christian Lewis
28 J. Christian Lewis (KY Bar No. 87109),
1 *pro hac vice*
2 Philip Heleringer (KY Bar No. 96748),
3 *pro hac vice*
4 Gregory B. Ladd (KY Bar No. 95886),
5 *pro hac vice*
6 Zachary Richards (KY Bar No. 99209),
7 *pro hac vice app. forthcoming*
8 Daniel I. Keiser (KY Bar No. 100264),
9 *pro hac vice app. forthcoming*
10 Assistant Attorneys General
11 1024 Capital Center Drive, Ste. 200
12 Frankfort, KY 40601
13 christian.lewis@ky.gov
14 philip.heleringer@ky.gov
15 greg.ladd@ky.gov
16 zach.richards@ky.gov
17 Phone: (502) 696-5300
18 Fax: (502) 564-2698

19 *Attorneys for Plaintiff the Commonwealth of*
20 *Kentucky*

1 **JEFF LANDRY**

2 Attorney General
3 State of Louisiana

4 /s/ Arham Mughal

5 Arham Mughal (LA Bar No. 38354),
6 *pro hac vice*
7 L. Christopher Styron (LA Bar No. 30747),
8 *pro hac vice*
9 Assistant Attorneys General
10 Louisiana Department of Justice
11 Office of the Attorney General
12 Public Protection Division
13 Consumer Protection Section
14 1885 N 3rd Street, 4th Floor
15 Baton Rouge, LA 70802
16 Tel: (225) 326-6438
17 MughalA@ag.louisiana.gov
18 StyronL@ag.louisiana.gov

19 *Attorneys for State of Louisiana*

20 **AARON M. FREY**

21 Attorney General
22 State of Maine

23 /s/ Michael Devine

24 Michael Devine, Maine Bar No. 5048,
25 *pro hac vice*
26 Laura Lee Barry Wommack, Maine Bar No.
27 10110, *pro hac vice*
28 Assistant Attorneys General
1 Office of the Maine Attorney General
2 6 State House Station
3 Augusta, ME 04333
4 (207) 626-8800
5 michael.devine@maine.gov
6 lauralee.barrywommack@maine.gov

7 *Attorneys for Plaintiff State of Maine*

8 **ANTHONY G. BROWN**

9 Attorney General
10 State of Maryland

11 /s/ Elizabeth J. Stern

12 Philip D. Ziperman (Maryland CPF No.
13 9012190379), *pro hac vice*
14 Deputy Chief, Consumer Protection Division
15 Elizabeth J. Stern (Maryland CPF No.
16 1112090003), *pro hac vice*
17 Assistant Attorney General
18 Office of the Attorney General of Maryland
19 200 St. Paul Place
20 Baltimore, MD 21202
21 Phone: (410) 576-6417 (Mr. Ziperman)
22 Phone: (410) 576-7226 (Ms. Stern)
23 Fax: (410) 576-6566
24 pziperman@oag.state.md.us
25 estern@oag.state.md.us

26 *Attorneys for Plaintiff Office of the Attorney*
27 *General of Maryland*

28 **DANA NESSEL**

1 Attorney General
2 State of Michigan

3 /s/ Daniel J. Ping

4 Daniel J. Ping (P81482), *pro hac vice*
5 Assistant Attorney General
6 Michigan Department of Attorney General
7 Corporate Oversight Division
8 P.O. Box 30736
9 Lansing, MI 48909
10 517-335-7632
11 PingD@michigan.gov

12 *Attorneys for Plaintiff State of Michigan*

1 **KEITH ELLISON**
2 Attorney General
3 State of Minnesota

4 */s/ James Van Buskirk*
5 James Van Buskirk (MN Bar No. 0392513),
6 *pro hac vice*
7 Assistant Attorney General
8 Office of the Minnesota Attorney General
9 445 Minnesota Street, Suite 1200
10 St. Paul, MN 55101-2130
11 Tel: (651) 757-1150
12 james.vanbuskirk@ag.state.mn.us

13 *Attorney for Plaintiff State of Minnesota, by*
14 *its Attorney General, Keith Ellison*

15 **MATTHEW J. PLATKIN**
16 Attorney General
17 State of New Jersey

18 By: */s/ Kashif T. Chand*
19 Kashif T. Chand (NJ Bar No. 016752008),
20 *pro hac vice*
21 Section Chief, Deputy Attorney General
22 Thomas Huynh (NJ Bar No. 200942017),
23 *pro hac vice*
24 Assistant Section Chief, Deputy Attorney
25 General
26 New Jersey Office of the Attorney General,
27 Division of Law
28 124 Halsey Street, 5th Floor
Newark, NJ 07101
Tel: (973) 648-2052
Kashif.Chand@law.njoag.gov
Thomas.Huynh@law.njoag.gov

29 *Attorneys for Plaintiffs State of New Jersey*
30 *and the New Jersey Division of Consumer*
31 *Affairs*

1 **LETITIA JAMES**
2 Attorney General
3 State of New York

4 */s/ Christopher D'Angelo*
5 Christopher D'Angelo, Chief Deputy
6 Attorney General, Economic Justice
7 Division (NY Bar No. 4348744),
8 *pro hac vice*

9 Christopher.D'Angelo@ag.ny.gov
10 Clark Russell, Deputy Chief, Bureau of
11 Internet and Technology (NY Bar No.
12 2848323), *pro hac vice*
13 Clark.Russell@ag.ny.gov

14 Nathaniel Kosslyn, Assistant Attorney
15 General (NY Bar No. 5773676), *pro hac vice*
16 app. forthcoming, if required
17 Nathaniel.Kosslyn@ag.ny.gov
18 New York State Office of the Attorney
19 General
20 28 Liberty Street
21 New York, NY 10005
22 (212) 416-8262

23 *Attorneys for Plaintiff the People of the State*
24 *of New York*

1 **JOSHUA H. STEIN**
2 Attorney General
3 State of North Carolina

4 /s/ Kevin Anderson
5 Kevin Anderson (N.C. Bar No. 22635),
6 *pro hac vice*
7 Senior Counsel
8 Sarah G. Boyce
9 Deputy Attorney General & General Counsel
10 Jasmine S. McGhee
11 Senior Deputy Attorney General
12 Josh Abram
13 Kunal Choksi
14 Special Deputy Attorneys General
15 Charles G. White
16 Assistant Attorney General
17 N.C. Department of Justice
18 Post Office Box 629
19 Raleigh, North Carolina 27602
20 Telephone: (919) 716-6006
21 Facsimile: (919) 716-6050
22 kander@ncdoj.gov

23 *Attorneys for Plaintiff State of North*
24 *Carolina*

25 **DAVE YOST**
26 Attorney General
27 State of Ohio

28 /s/ Kevin R. Walsh
1 Melissa G. Wright (Ohio Bar No. 0077843)
2 Section Chief, Consumer Protection Section
3 Melissa.Wright@ohioago.gov
4 Melissa S. Smith (Ohio Bar No. 0083551)
5 Asst. Section Chief, Consumer Protection
6 Section
7 Melissa.S.Smith@ohioago.gov
8 Michael S. Ziegler (Ohio Bar No. 0042206)
9 Principal Assistant Attorney General
10 Michael.Ziegler@ohioago.gov
11 Kevin R. Walsh (Ohio Bar No. 0073999),
12 *pro hac vice*
13 Kevin.Walsh@ohioago.gov
14 Senior Assistant Attorney General
15 30 East Broad Street, 14th Floor
16 Columbus, Ohio 43215
17 Tel: 614-466-1031

18 *Attorneys for State of Ohio, ex rel. Attorney*
19 *General Dave Yost*

20 **MICHELLE A. HENRY**
21 Attorney General
22 Commonwealth of Pennsylvania

23 /s/ Timothy R. Murphy
24 Timothy R. Murphy
25 Senior Deputy Attorney General (PA Bar
26 No. 321294), *pro hac vice*
27 Email: tmurphy@attorneygeneral.gov
28 Jonathan R. Burns
1 Deputy Attorney General (PA Bar No.
2 315206), *pro hac vice*
3 Email: jburns@attorneygeneral.gov
4 Pennsylvania Office of Attorney General
5 Strawberry Square, 14th Floor
6 Harrisburg, PA 17120
7 Tel: 717.787.4530

8 *Attorneys for Plaintiff the Commonwealth of*
9 *Pennsylvania*

1 **ALAN WILSON**
2 Attorney General
3 State of South Carolina

4 /s/ Anna C. Smith
5 C. Havird Jones, Jr.
6 Senior Assistant Deputy Attorney General
7 Jared Q. Libet (S.C. Bar No. 74975),
8 *pro hac vice*
9 Assistant Deputy Attorney General
10 Anna C. Smith (SC Bar No. 104749),
11 *pro hac vice*
12 Assistant Attorney General
13 Clark C. Kirkland, JR.
14 Assistant Attorney General
15 Office of the Attorney General of South
16 Carolina
17 P.O. Box 11549
18 Columbia, South Carolina 29211
19 Tel: (803) 734-0536
20 annasmith@scag.gov

21 *Attorneys for Plaintiff the State of South
22 Carolina, ex rel. Alan M. Wilson, in His
23 Official Capacity as
24 Attorney General of the State of South
25 Carolina*

26 **MARTY J. JACKLEY**
27 Attorney General
28 State of South Dakota

29 /s/ Jessica M. LaMie
30 By: Jessica M. LaMie (SD Bar No. 4831),
31 *pro hac vice*
32 Assistant Attorney General
33 1302 East Highway 14, Suite 1
34 Pierre, SD 57501-8501
35 Telephone: (605) 773-3215
36 Jessica.LaMie@state.sd.us

37 *Attorneys for Plaintiff State of South Dakota*

38 **JASON S. MIYARES**
39 Attorney General
40 Commonwealth of Virginia

41 /s/ Joelle E. Gotwals
42 Steven G. Popp
43 Deputy Attorney General
44 Richard S. Schweiker, Jr.
45 Senior Assistant Attorney General and
46 Section Chief
47 Joelle E. Gotwals (VSB No. 76779),
48 *pro hac vice*
49 Assistant Attorney General
50 Office of the Attorney General of Virginia
51 Consumer Protection Section
52 202 N. 9th Street
53 Richmond, Virginia 23219
54 Telephone: (804) 786-8789
55 Facsimile: (804) 786-0122
56 E-mail: jgotwals@oag.state.va.us

57 *Attorneys for the Plaintiff Commonwealth of
58 Virginia
59 ex rel. Jason S. Miyares, Attorney General*

60 **ROBERT W. FERGUSON**
61 Attorney General
62 State of Washington

63 /s/ Joseph Kanada
64 Joseph Kanada (WA Bar No. 55055),
65 *pro hac vice*
66 Alexandra Kory (WA Bar No. 49899),
67 *pro hac vice*
68 Rabi Lahiri
69 Gardner Reed
70 Alexia Diorio
71 Assistant Attorneys General
72 Washington State Office of the Attorney
73 General
74 800 Fifth Avenue, Suite 2000
75 Seattle, WA 98104
76 (206) 389-3843
77 Joe.Kanada@atg.wa.gov

78 *Attorneys for Plaintiff State of Washington*

1 **JOSHUA L. KAUL**

2 Attorney General
2 State of Wisconsin

3 /s/ R. Duane Harlow

4 R. Duane Harlow
4 Assistant Attorney General
5 WI State Bar #1025622, *pro hac vice*
6 Wisconsin Department of Justice
6 Post Office Box 7857
7 Madison, Wisconsin 53707-7857
7 (608) 266-2950
8 harlowrd@doj.state.wi.us

9 *Attorneys for Plaintiff State of Wisconsin*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

ATTESTATION

I hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: November 15, 2023

By: /s/ Marissa Roy

Marissa Roy

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and had the foregoing document served by mail to Conghua Yan at the address provided, 2140 E Southlake Blvd, Suite L-439, Southlake, Texas 76092.

By: /s/ Marissa Roy

Marissa Roy